

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

PAUL SIFRE,

Plaintiff,

vs.

WELLS FARGO BANK,

Defendant.

3:10-CV-00572-RCJ-VPC

AMENDED ORDER

This case arises out of the impending foreclosure of Plaintiff's mortgage. Plaintiff requests a temporary restraining order to prevent a sale of his home. The Court cannot tell from the pleadings whether a sale has been scheduled, but Plaintiff implies that a notice of default has been filed. Petitioner appears pro se and has not included copies of the deed of trust or foreclosure documents, but the Court is aware of common statutory defects in local foreclosures. Particularly, foreclosing entities often are not the trustee, beneficiary, or agents thereof when they file notices of default. *See* Nev. Rev. Stat. § 107.080(2)(c).

CONCLUSION

IT IS HEREBY ORDERED that Defendant is temporarily enjoined from selling the property at 3660 Hawking Court, Sparks, NV 89436 until 5:00 p.m. on Monday, September 27, 2010 so that the Court may clarify the status of the foreclosure and discern whether Plaintiff is eligible for the state

1 foreclosure mediation program or is willing and able to participate in court-ordered mediation.

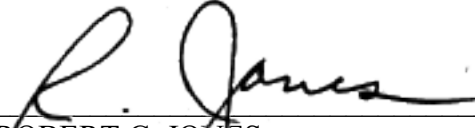
2 IT IS FURTHER ORDERED that the Court will hold a hearing on preliminary injunction on
3 the eighth floor of the Bruce R. Thompson Federal Courthouse in Reno, NV at 9:00 a.m. on
4 Thursday, September 30, 2010.

5 IT IS FURTHER ORDERED that Plaintiff shall serve Defendant Wells Fargo with a copy of
6 this Amended Order and file proof of service with the clerk of the court before 5:00 p.m. Wednesday,
7 September 29, 2010.

8 IT IS FURTHER ORDERED that if Plaintiff fails to file proof of service with this Court on
9 the hearing scheduled on Thursday, September 30, 2010 at 09:00 a.m. will be VACATED.
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11 IT IS SO ORDERED.

12 Dated this 29th day of September, 2010.

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15 ROBERT C. JONES
16 United States District Judge
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